

**REMARKS**

**Summary of the Final Office Action**

Claims 1-3 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Honda et al. (U.S. Patent Pub. No. 2002/0030672) (hereinafter "Honda '672") in view of Honda et al. (U.S. Patent No. 6,950,114) (hereinafter "Honda '114").

Claims 4-6 are allowed.

**Summary of the Response to the Office Action**

Applicants have amended independent claim 1, and dependent claims 2-3, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, claims 1-6 remain currently pending and under consideration.

**Rejections under 35 U.S.C. § 112, Second Paragraph**

Claims 1-3 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants have amended independent claim 1, and dependent claims 2-3, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. The claims have been amended in response to the Examiner's comments as provided at section 4, page 3 of the Office Action. With regard to the rejection under 35 U.S.C. § 112, second paragraph, Applicants believe that the Examiner may have misunderstood features of the instant application's invention based on the Examiner's comments in the Final Office Action. As shown in Figs. 8A and 8B of the instant application, the number of subfields

is unchanged in the field, i.e., twelve subfields SF1-SF2 are always utilized. Nevertheless, Applicants have modified the claim language in an effort to overcome this rejection and to advance the prosecution of this application. Accordingly, Applicants respectfully submit that the claims as newly-amended fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Honda '672 in view of Honda'114. Applicants have amended independent claim 1, and dependent claims 2-3, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, the rejections are respectfully traversed for at least the following reasons.

Applicants respectfully submit that paragraph [0149] of Honda '672 teaches that “the luminance distribution of an input video signal is measured every display line ... and the number (of) subfields in one field display period is changed every display line ... in accordance with the luminance distribution. With this sequence of operation, it is possible to perform an optimal gradation display in accordance with a pattern represented by an input video signal (emphasis added).” Applicants respectfully submit that in the most recent Office Action, at page 2, the Examiner states “however, the Examiner understands that the Honda '672 reference teaches of using the same number of subfields in each field for each display line.” Applicants respectfully

traverse such an assertion at least because the Examiner does not provide any technical reason as to why or how the Examiner can make such an assertion.

Applicants respectfully submit that the number of the subfields in the field is unchanged in the Applicants' invention whereas the number of the subfields in the field changes in Honda '672. Applicants will now explain their position in this regard in detail with reference to Fig. 24(a) to Fig. 24(d) of Honda '672. Applicants respectfully submit that in Honda '672, there are assumed four brightness patterns. See PATTERNS A-D in Fig. 4 of Honda '672. As shown in Fig. 24(a) to Fig. 24(d) of Honda '672, ten subfields SF1-SF10 are used to deal with the brightness pattern labeled PATTERN A in Fig. 4, and five subfields SF1-SF5 are used to deal with the brightness pattern labeled PATTERN B in Fig. 4. Thus, Applicants respectfully submit that the number of the subfields is changed from ten to five in Honda '672. In other words, the field is divided into ten subfields in one occasion but the field is divided into five subfields in another occasion.

Other embodiments of Honda '672 also teach the changing of the number of the subfields. For example, as shown in Fig. 28(a) to Fig. 28(d), the number of the subfields changes with the brightness pattern, i.e., ten subfields SF1-SF10 are used in the field in Fig. 28(a) and five SF1-SF5 subfields are used in the field in Fig. 28(b). In contrast, twelve subfields SF1-SF12 are always used in the Applicants' disclosed invention. See, for example, Figs. 3, 4, 8A and 8B of the instant application in this regard.

Thus, Applicants respectfully submit that the disclosure of Honda '672 is completely different from the disclosure of newly-amended independent claim 1 of the instant application. Accordingly, even assuming, strictly arguendo, that a combination of Honda '114 and Honda '672, as asserted by the Office Action, were made, Applicants respectfully submit that the

combination would still not arrive at the combination of features as specifically described in newly-amended independent claim 1 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because the applied Honda '672 and Honda '114 references, whether taken separately or combined, do not teach or suggest each feature of newly-amended independent claim 1 of the instant application. As pointed out by MPEP § 2143.03, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." Since the prior art does not disclose or suggest any of the combinations recited in Applicants' claims, and if anything appears to teach away from the current claim recitations, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims 2 and 3 are allowable at least because of their dependence from newly-amended independent claim 1, and the reasons discussed previously. In addition, Applicants would like to emphasize the non-obviousness of dependent claim 2. In this regard, Applicants respectfully submit that claim 2 is directed to Figs. 8A and 8B of the instant application. Applicants note that when the brightness pattern is the one as shown in Fig. 5A, then eight subfields SF1-SF8 are allotted to the lower-brightness area and four subfields SF9-SF12 are allotted to the higher-brightness area. See Fig. 8A in this regard. Applicants note further that when the brightness pattern is the one as shown in Fig. 6A, then seven subfields SF1-SF7 are allotted to the lower-brightness area and five subfields SF8-SF12 are allotted to the higher-brightness area. See Fig. 8B in this regard. Thus, Applicants

respectfully submit that the total number of the subfields in a field is always twelve (SF1-SF12), but the allocation of the subfields to a less brighter area and to a bright area changes depending upon the brightness pattern of the image. Applicants respectfully submit that at least these features are not taught by any of the applied prior art references. Applicants note further in this regard that aspect of these features are in fact now also described in newly-amended independent claim 1 of the instant application.

The Examiner is thanked for the indication that the remaining claims 4-6 are allowed.

### **CONCLUSION**

In view of the foregoing discussion, Applicants respectfully request the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

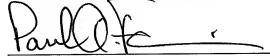
any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF**

**TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

A handwritten signature in black ink, appearing to read "Paul A. Fournier", is written over a horizontal line.

By:

Paul A. Fournier

Reg. No. 41,023

Dated: December 10, 2009

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